

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

D. G. Sweigert, -against- Jason Goodman,	PRO SE 23-cv-06881-JGK-VF Judge John G. Koeltl Related Case: 23-cv-05875-JGK-VF
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PLAINTIFF'S MOTION FOR RECONSIDERATION OF ORDER

ECF NO. 158, 8/02/2024

NOW COMES THE PRO SE PLAINTIFF TO SEEK RELIEF from ORDER 158 and
REQUEST RECONSIDERATION.

CERTIFICATE OF SERVICE

A copy of the Plaintiff's letter this pleading has been placed in the U.S. MAIL addressed to
Jason Goodman, 252 7th Avenue, New York, N.Y. 10001 on August 11, 2024 (8/11/2024).

Signed on August 11, 2024 (8/11/2024).



**D. G. SWEIGERT PRO SE PLAINTIFF, C/O PMB 13339,
514 Americas Way, Box Elder, SD 57719**

PLAINTIFF'S MOTION FOR RECONSIDERATION OF ORDER

ECF NO. 158, 8/02/2024

NOW COMES THE PRO SE PLAINTIFF TO SEEK RELIEF from ORDER 158 and REQUESTS RECONSIDERATION.

Background

As is customary for Defendant Jason Goodman in this litigation, he filed at ECF no. 157, 7/29/2024 a letter requesting a 30-day postponement of filing a REPLY BRIEF to the Plaintiff's RESPONSE, which appears at ECF no. 150, 07/07/2024.

Failure to docket objection

The Clerk of the Court has failed to docket a letter of objection for over one week. The original letter of objection is attached as EXHIBIT ONE. On August 1, 2024 an e-mail message acknowledgement was received from the PRO SE clerk confirming the receipt of EXHIBIT ONE, which has never been docketed.

In an effort to avoid unnecessary appeals, the appearance that the Court may have overlooked errors of law and fact, EXHIBIT ONE is herein presented for the Court's review to aid in reconsideration of Mr. Goodman's 30-day postponement to file a REPLY BRIEF.

The ORDER, ECF 158, does not limit Mr. Goodman to page length as required by the Federal Rules of Civil Procedure, and does not caution him to REPLY to the content in the Plaintiff's RESPONSE brief (ECF no. 145).

Signed on August 11, 2024 (8/11/2024).

A handwritten signature in black ink, appearing to read "D. S. J." with a stylized flourish at the end.

EXHIBIT ONE

D. G. SWEIGERT
PMB 13339, 514 Americas Way,
Box Elder, SD 57719

August 1, 2024

District Judge John G. Koeltl
U.S. District Court
United States Courthouse
40 Foley Square
New York, NY 10007
Via pro se electronic filing

SUBJ: Sweigert v. Goodman, 23-cv-06881-JGK-VF, ECF no. 132

Dear Judge Koeltl,

In light of Mr. Goodman's request for an additional extension of time to answer the Plaintiff's response to Mr. Goodman's motion to dismiss, the undersigned must strenuously OBJECT.

Defendant does not provide this Court with any legally-sound reason to seek yet another extension of time to file a pleading. The only justification for this latest extension is almost solely based on scurrilous name-calling in an apparent effort to poison this Court's judgement.

First, Mr. Goodman is completely confused about alleged computer viruses, malware or ransomware purportedly sent via electronic message by the undersigned to Mr. Goodman, see statement:

Mr. Sweigert included hidden malicious software in an email he sent me. The software tracked my activity without my knowledge. (ECF no. 132)

The above statement is denied in its entirety by the undersigned. What Mr. Goodman is referring to is included as an attached exhibit. It is a benign e-mail receipt confirmation which indicates that Mr. Goodman opened an e-mail message sent to him by the undersigned on July 21, 2024, nothing more. This message confirmation application (see exhibit) is a function of the mail server that Mr. Goodman subscribes to and has no interaction with an actual e-mail message to download an attached software payload. Such an application is embedded within the nation's cyber infrastructure supporting e-mail message delivery.

Thus, Mr. Goodman offers no proof of any type of computer virus, malware, etc. that may have caused his delay and subsequent request for more time. Nonetheless, his statements carry a heavy prejudicial weight.

Second, the same is true for Mr. Goodman's statement that the undersigned is a psychopath for merely relying on the U.S. mails to inform a state regulatory body about an individual under their licensed control, see statement:

Mr. Sweigert's psychopathic obsession with continually disrupting every aspect of my life is a deeply disturbing, inappropriately time-consuming reality that I have been forced to confront for the past seven years and causes me to require additional time to reply. (ECF no. 132)

Such letter writing by the Plaintiff (see Defendant's "Exhibit A") is a protected activity under AMENDMENT I to the U.S. Constitution. Mr. Goodman fails to explain how such Constitutionally protected activity caused a delay in fashioning his reply.

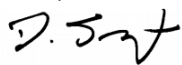
Lastly, Mr. Goodman's request for more time essentially turns Federal Rules of Civil Procedure Rule 27 on its ear. That rule allows Mr. Goodman seven (7) days to file a REPLY, the Court has allowed 14 days. Further, it restricts the out-of-scope mudslinging found in ECF no. 132; quoting Rule 27 in relevant part:

(4) *Reply to Response.* Any reply to a response must be filed within 7 days after service of the response. A reply must not present matters that do not relate to the response. [emphasis added]

Clearly, Mr. Goodman's mud slinging is designed to create a prejudicial environment in this Court with the use of stereotypes such as "psychopath" and "obsessed" and "psychopathic obsession", etc. Instead of taking responsibility for his Court pleadings the Defendant merely blames the Plaintiff for his woes.

When filing a motion to dismiss, the defendant should be prepared for the opposing party's response, which requires a timely reply.

Best,



D. G. Sweigert

EXHIBIT

----- Original Message -----

From: Jason Goodman <truth@crowdsourcethetruth.org>
 To: Spoliation Notice <spoliation-notice@mailbox.org>
 Date: 07/21/2024 2:27 PM PDT
 Subject: Read: Fwd: Re: Fwd: 23-cv-05875-JGK-VF

Your message

To: Jason Goodman
 Subject: Fwd: Re: Fwd: 23-cv-05875-JGK-VF
 Sent: Sunday, July 21, 2024 5:27:34 PM (UTC-05:00) Eastern Time (US & Canada)
 was read on Sunday, July 21, 2024 5:27:59 PM (UTC-05:00) Eastern Time (US & Canada).

